

ENTERED

January 31, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DANIEL CAMPOS,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:16-CV-281

ORDER

The Court has before it Petitioner's habeas petition and memorandum in support (Dkt. Nos. 1, 2), Respondent's motion for summary judgment (Dkt. No. 9), the October 11, 2016, Memorandum and Recommendation ("M&R") of the Magistrate Judge to whom this case was referred (Dkt. No. 10), and Petitioner's objections to the M&R (Dkt. No. 15).

The Magistrate Judge recommends that Respondent's motion for summary judgment be granted and that Petitioner's case be dismissed as time-barred. Dkt. No. 10 at 1. After independently reviewing the M&R, Petitioner's objections, the record, and applicable law, the Court agrees. As the Magistrate Judge concluded, Petitioner has not shown "extraordinary circumstances" to justify equitable tolling of his federal habeas filing deadline. *See id.* at 5-7.

Accordingly, the Court **OVERRULES** Petitioner's objections (Dkt. No. 15) and **ADOPTS** the Magistrate Judge's October 11, 2016, M&R (Dkt. No. 10). The Court therefore:

- **GRANTS** Respondent's motion for summary judgment (Dkt. No. 9);
- **DISMISSES WITH PREJUDICE** the above-captioned case as time-barred;
and
- **DENIES** Petitioner a Certificate of Appealability.

Final Judgment will be entered separately in accordance with Federal Rule of Civil Procedure 58.

SIGNED this 31st day of January, 2018.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle
Senior United States District Judge